



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,166	02/07/2001	Joseph John Melotik	200-0729	1742

10534 7590 02/14/2003
BLISS MCGLYNN & NOLAN, P.C.
2075 WEST BIG BEAVER ROAD
SUITE 600
TROY, MI 48084

EXAMINER

GUTMAN, HILARY L

ART UNIT

PAPER NUMBER

3612

DATE MAILED: 02/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/681,166	Applicant(s) Melotik et al.
Examiner Hilary Gutman	Art Unit 3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on Dec 18, 2002
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.
- 4) Claim(s) 1-3, 5, 7-10, 12, 14, 16, 18, 20, and 21 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3, 5, 7-10, 12, 14, 16, 18, 20, and 21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on Feb 7, 2001 is/are a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on Dec 18, 2002 is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) The translation of the foreign language provisional application has been received.

- 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) Other: _____

Interview Summary	Application No. 09/681,166	Applicant(s) Melotik et al.
	Examiner Hilary Gutman	Art Unit 3612

All participants (applicant, applicant's representative, PTO personnel):

(1) Hilary Gutman

(3) _____

(2) Mr. Dan Bliss

(4) _____

Date of Interview Feb 10, 2003

Type: a) Telephonic b) Video Conference
c) Personal [copy is given to 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No. If yes, brief description:

Claim(s) discussed: None

Identification of prior art discussed:

none

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

The applicant called to state that the final rejection (mailed 9/11/2002) was inappropriate since the changes to the claims did not necessitate new grounds of rejection. The examiner agreed. The applicant's request for reconsideration of the finality of the rejection of the last office action is persuasive and therefore, the finality of that action is withdrawn. The after final amendment is now being entered and considered. A new rejection and office action is set forth.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached D. GLENN DAYUAN

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600



4/nf03
Examiner's signature, if required

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Art Unit: 3612

DETAILED ACTION

Drawings

1. The proposed drawing correction, filed on 12/18/2002 has been acknowledged and approved by the examiner. However, some drawing problems still exist.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the striker being connected to a rearward longitudinal end of the load floor of claims 1, 8, 14, 20, and 21 and the latch being connected to the rear end of the vehicle of claims 1, 8, 14, 20, and 21 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 8-10, 12, 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Greig.

Art Unit: 3612

For claim 8, Greig discloses an integrated extendable load floor assembly for a vehicle having a rear storage area 11 with a longitudinal open end comprising: at least one rail 20 "adapted" to be disposed upon the a side of the rear storage area; a drawer or load floor 23 cooperating with the at least one rail allowing for a selective sliding movement in and out of the rear storage area of the vehicle and including a rear panel 26 that is cooperatively attached to a bottom of a rear edge of the load floor allowing selective positioning of the rear panel in an upright closed position and a lower horizontal open position, the rear panel closing the longitudinal open end of the rear storage area when in the upright closed position adjacent a rear of the vehicle (seen in Figure 2); and a load floor latching mechanism comprising a striker 46 and a latch 28 connected to a rearward longitudinal end of the load floor, and the rear storage area 11 of the vehicle adapted to latch the load floor in a closed position within the rear storage area, the load floor latching mechanism including a movable handle 44 disposed on the load floor.

The assembly also includes at least one slide 30 disposed on sides of the load floor and cooperating with a portion of the at least one rail. A rear panel latching mechanism 28, 29 is provided that latches the rear panel in the upright closed position

For claim 21, Greig discloses a sedan type automotive vehicle comprising: a body 10 including a rear end having a floor F and sides (Figures 1-2) extending upwardly and along the floor to form a cargo area with an opening; a drawer or load floor 23 for sliding movement in and out of the cargo area; an endgate 26 pivotally connected to the load floor and having a closed upright position and an open horizontal position, the endgate closing a longitudinal end portion of

Art Unit: 3612

the opening of the cargo area when in the closed upright position adjacent a rear of the vehicle as seen in Figure 2; a decklid 13 pivotally secured to the sides and cooperating with the endgate to cover the cargo area in a closed position and to allow access to the cargo area in an open position and to allow objects to be removed from the cargo area when the decklid is in the open position; and a load floor latching mechanism comprising a striker 46 and a latch 28 connected to a rearward longitudinal end of the load floor (Figures 4-6), and the body 10 of the vehicle adapted to latch the load floor in a closed position within the cargo area 11.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 3612

6. Claims 1-3, 5, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer in view of Greig.

Mayer discloses an integrated extendable load floor/drawer assembly (seen in the figures) for a vehicle having a rear end 10 with a floor 14 and sides 16 and 18 extending upwardly and along the floor to form a cargo area 12 with an opening and a decklid 32 and 34 for closing an upper portion of the opening of the cargo area 12. The integrated floor/drawer assembly comprises a plurality of rails 44 "adapted" to be disposed upon the side 16 and 18 above the floor of the rear end; a load floor 26 operatively cooperating with the rails for sliding movement therealong (Figure 5) and including an endgate 22 pivotally attached to a rear longitudinal end thereof having an upright closed position (solid lines of Figure 2) and a horizontal open position (dashed lines of Figure 2), the endgate closing a longitudinal end portion of the opening of the cargo area (Figure 1) when in the upright closed position adjacent a rear of the vehicle, whereby the decklid and the endgate cooperate together to close the opening of the cargo area; and a load floor latching mechanism 66 to latch the load floor in a closed position with the rear end of the vehicle. The assembly also includes a pair of slides 44 disposed on opposed sides of the load floor and cooperating with the rails. The load floor 26 comprises a bottom 26 and sides 28 and 30 extending generally perpendicular to the bottom to form a compartment for holding objects. In addition a latching mechanism 62 and 64 is provided to latch the endgate 22 to the load floor in the upright closed position.

Art Unit: 3612

For claim 20, Mayer discloses an automotive vehicle comprising: a body including a rear end 10 having a floor 14 and sides 16 and 18 extending upwardly and along the floor 14 to form a cargo area 12 with an opening; a plurality of rails 44 spaced laterally and extending longitudinally between the sides above the floor (Figure 5); a drawer or load floor 26 operatively cooperating with the rails for sliding movement therealong; a decklid 32 and 34 pivotally secured to the sides to close a first portion of the opening (Figure 1) of the cargo area in a closed position and to allow access to the cargo area in an open position (Figure 2) and to allow the load floor to be extended when the decklid is in the open position; an endgate 22 pivotally connected to the load floor and having a closed upright position (solid lines of Figure 2) and an open horizontal position (dashed lines of Figure 2), the endgate 22 closing a second portion of the opening of the cargo area when in the closed upright position (Figure 1) adjacent a rear of the vehicle, whereby the decklid 32, 34 and the endgate 22 cooperate together to close the opening of the cargo area; an endgate latching mechanism 62 and 64 that latches the endgate in the upright closed position; and a load floor latching mechanism 66 to latch the load floor in a closed position with the rear end of the vehicle.

Mayer lacks the specific load floor latching mechanism claimed.

Greig teaches an integrated extendable load floor assembly for a vehicle. The assembly includes a load floor latching mechanism comprises a striker 46 connected to a rearward longitudinal end of a load floor and a latch 48 connected to the rear end of the vehicle to latch the

Art Unit: 3612

load floor in a closed position. The load floor latching mechanism includes a movable handle 44 disposed on the load floor.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the load floor latching mechanism of Greig in place of the latching mechanism of Mayer in order to better secure the load floor to the vehicle.

7. Claims 14, 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer in view of Greig and the well known prior art.

For claim 14, Mayer discloses a vehicle (as seen in the figures) comprising: a body including a rear end 10 having a floor 14 and sides 16 and 18 extending upwardly and along the floor to form a rear storage area 12 having an opening; a decklid 32 and 34 pivotally secured to the rear end to close a first portion of the opening of the rear storage area 12 in a closed position (Figure 1) and to allow access to the rear storage area in an open position (Figure 2); and an integrated extendable load floor assembly cooperating with the rear storage area, the integrated extendable load floor assembly including at least one rail 44 disposed upon the floor of the rear storage area and a drawer or load floor 26 cooperating with the at least one rail (Figure 5), the load floor 26 having selective sliding movement in and out of the rear storage area of the vehicle and including a rear panel 22 that is cooperatively attached to a bottom of a rear edge of the load floor allowing selective positioning of the rear panel in an upright closed (solid lines of Figure 2) position and a horizontal open (dashed lines of Figure 2) position, the rear panel 22 closing a

Art Unit: 3612

second portion of the opening of the rear storage area when in the upright closed position adjacent a rear of the vehicle, whereby the decklid 32, 34 and the rear panel 22 cooperate together to close the opening of the rear storage area (Figure 1), and a load floor latching mechanism 66 to latch the load floor in a closed position with the rear end of the vehicle. The load floor comprises a bottom 26 and sides 28 and 30 extending generally perpendicular to the bottom to form a compartment for holding objects. In addition, the assembly includes a rear panel latching mechanism 62 and 64 that latches the rear panel in the upright closed position.

Mayer lacks the specific load floor latching mechanism claimed.

Greig teaches an integrated extendable load floor assembly for a vehicle. The assembly includes a load floor latching mechanism comprises a striker 46 connected to a rearward longitudinal end of a load floor and a latch 48 connected to the rear end of the vehicle to latch the load floor in a closed position. The load floor latching mechanism includes a movable handle 44 disposed on the load floor.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the load floor latching mechanism of Greig in place of the latching mechanism of Mayer in order to better secure the load floor to the vehicle.

Mayer, as modified, lacks the at least one rail (Figure 5) being disposed upon each of the sides of the rear storage area.

The well known prior art teaches rear cargo areas in vehicles with bodies, rear ends, floors, and sides extending upwardly and along the floors to form the rear cargo areas. The rear

Art Unit: 3612

cargo areas having openings through which a load floor moves. The load floor has selective sliding movement in and out of the rear storage areas via rails which are disposed upon the sides of the rear storage areas. Peters et al., Girl '401, Powell '405, Webber, and Temp all show this arrangement of load floors sliding on rails disposed upon sides of rear storage areas. Specifically, Peters et al. teach side rails, generally between rollers 56 and 58, which engage the load floor at rail 50 (Figure 3). Girl '401 teaches C-shaped channel rails 2 (Figure 5) which engage with load floor rollers 1. Also, Powell '405 teaches rack and pinion type rails 32, 33 (Figures 2 and 3). Webber teaches upper and lower rails 22, 24 (Figure 4). Finally, Temp teaches side rails generally between support 14 and roller 13 upon which rails 12 of the load floor slide (Figure 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have placed the rails of Mayer, as modified, along the sides of the rear storage area thereof as taught by the well known prior art (of Peters et al., Girl '401, Powell '405, Webber, and Temp) in order to allow the load floor to carry heavy loads without damaging the rails so that the load floor is sturdy, capable of easy, non-binding movement, and quiet when the vehicle is in motion.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer as applied to claim 1 above, and further in view of the well known prior art.

Mayer lacks the load floor including an inner panel pivotally attached thereto to pivot between a closed position and an open position relative to a bottom thereof.

Art Unit: 3612

The well known prior art teaches rear cargo areas in vehicles wherein an inner panel is provided and pivotally attached to a bottom or a floor of the vehicle to pivot between a closed position, covering a storage cavity, and an open position relative to the bottom thereof. Specifically, Riley teaches an endgate 20 having an inner panel 40 pivotally attached thereof to pivot between a closed position (Figures 1, 3, and 4) and an open position (Figure 5) relative to a bottom, generally 26, thereof. Furthermore, Spykerman et al. teach an easily accessible storage compartment, provided at a rear end of a vehicle wherein a cavity is created in the "floor" of the vehicle and an inner panel covers the cavity (Figures 1-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have taught providing a cavity and inner storage compartment as taught by the well known prior art upon the load floor of Mayer in order to provide the vehicle with an easily accessible storage compartment.

Response to Arguments

9. Applicant's arguments filed 12/26/2002 have been fully considered but they are not persuasive.

The drawing changes obviate the drawing objection but new objections arise with regard to the claims. The amended specification obviates the specification objection.

The changes to the claims obviate the claim objections but raise a new issue of concern. Specifically the applicant now recites that either the striker or the latch is connected to either the

Art Unit: 3612

rearward longitudinal end of the drawer or the vehicle body. The examiner notes these changes but would like to point out that both ways of connection are not shown. Specifically, the striker is not shown connected to a rearward longitudinal end of the load floor and the latch is not shown connected to the rear end of the vehicle as now claimed. In addition, there is no mention in the specification that either way of connecting the striker and latch is obvious.

With regard to claim 1 and to the Greig reference, the applicant believes that the reference does not disclose a load floor operatively cooperating with rails for sliding movement therealong and including an endgate pivotally attached to a rear longitudinal end thereof having an upright closed position and a horizontal open position, the endgate closing a longitudinal end portion of the opening of the cargo area when in the upright closed position adjacent a rear of the vehicle, whereby the decklid and the endgate cooperate together to close the opening of the cargo area.

The examiner disagrees and believes as broadly recited and interpreted, Greig does read on the above limitations. However, with regard to the limitation that the decklid closes "an upper portion" of the opening and not the entire opening itself, the examiner believes that this limitation distinguishes claim 1 from the Greig reference.

The applicant goes on to state that Greig discloses the movable unit 23 completely disposed within the rear deck space 11 in a closed position and the decklid 13 fully closing the opening 12.

The examiner agrees and believes that the movable unit 23 has an endgate pivotally attached to a rear longitudinal end thereof. The endgate has an upright closed position and a

Art Unit: 3612

horizontal open position. The endgate clearly closes a longitudinal end portion of the opening of the cargo area when in the upright closed position adjacent a rear of the vehicle as is evident in Figure 2. The decklid and the endgate cooperate together to close the opening of the cargo area. Specifically, the endgate cooperates to fit within the rear deck space and the decklid cooperates to enclose the endgate within the rear deck space and close the opening of the cargo area (see rejection above).

With regard to claim 8, the applicant again states that Greig does not disclose or anticipate the claimed invention of claim 8. The examiner disagrees and believes that Greig does anticipate claim 8 as broadly recited and interpreted. More specifically, Greig discloses a rear panel that is cooperatively attached to a bottom of a rear edge of the load floor allowing selective positioning of the rear panel in an upright closed position and a lower horizontal open position with the rear panel closing the longitudinal open end of the rear storage area when in the upright closed position adjacent a rear of the vehicle as is evident in Figure 2.

As to claim 14, the amendment clarifies the invention and it does not appear that Greig discloses or anticipates the limitations of this claim. The rejection of this claim is obviated.

With respect to claim 20, the amendment again clarifies the invention claimed and Greig does not appear to read on this claim as amended. The rejection of this claim is obviated.

With regard to claim 21, the applicant argues that Greig does not disclose or anticipate the invention of claim 21. The examiner disagrees and believes that Greig discloses all of the limitations of claim 21 as broadly recited and interpreted. Specifically, Greig discloses the

Art Unit: 3612

endgate closing a longitudinal end portion of the opening of the cargo area when in the closed upright position adjacent a rear of the vehicle as is evident in Figure 2. In addition, Greig discloses a decklid pivotally secured to the vehicle and cooperating with the endgate to close the opening of the cargo area in a closed position. Specifically, the endgate cooperates to be positioned within the cargo area while the decklid cooperates to close the opening of the cargo area in the closed position.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3612

11. Any inquiry concerning this communication from the examiner should be directed to Hilary L. Gutman whose telephone number is (703) 305-0496.

12. **Any response to this final action should be mailed to:**

Box AF

Assistant Commissioner for Patents

Washington, D.C. 20231

or faxed to:

(703)305-3597, (for formal communications; please mark "EXPEDITED PROCEDURE")

or:

(703)305-0285, (for informal or draft communications, please clearly label "PROPOSED" or "DRAFT").

hlg

February 11, 2003


D. GLENN DAYOAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

2/12/03